

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America)	
v.)	
KIMOTHY K. ROSS)	Case No: <u>88-50005-3</u>
)	USM No: <u>10376-039</u>
Date of Previous Judgment: <u>7/11/1988</u>)	<u>Patrick M. Cleary</u>
(Use Date of Last Amended Judgment if Applicable))	<u>Defendant's Attorney</u>

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 360 months **is reduced to** 324 months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: <u>41</u>	Amended Offense Level: <u>39</u>
Criminal History Category: <u>III</u>	Criminal History Category: <u>III</u>
Previous Guideline Range: <u>360</u> to <u>life</u> months	Amended Guideline Range: <u>324</u> to <u>405</u> months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain):

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 7/11/1988 shall remain in effect.

IT IS SO ORDERED.

Order Date: <u>October 2, 2008</u>	s/	<u>Paul D. Borman</u>
		Judge's signature

Effective Date: _____ (if different from order date)	Paul D. Borman, U.S. District Judge
	Printed name and title